

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DEFINITION SERVICES INC., a British  
Virgin Islands corporation,,

Plaintiff,

v.

GVA CAPITAL LTD., a Cayman Islands  
exempted company,

Defendant.

C.A. No. 1:21-cv-00741-RTD

**DECLARATION OF NON-PARTY PAVEL CHERKASHIN IN SUPPORT OF MOTION  
FOR RECONSIDERATION OF ORDER GRANTING DEFENDANT GVA CAPITAL  
LTD.’S MOTION FOR LEAVE TO TAKE EARLY DISCOVERY FROM NON-PARTY  
PAVEL CHERKASHIN**

I, Pavel Cherkashin, hereby declare:

1. I am a founding member and shareholder of GVA Capital Ltd. I was a director of GVA Capital until April 13, 2021. I am not a party to the above captioned action. Except as otherwise noted, I have personal knowledge of the following facts, and, if called upon to testify, I could and would testify competently thereto.

2. I am a Russian citizen and I live in the United States. I have an employment authorization card, which allows me to live and work in the United States through September 2022, when I may apply for an extension. The October 25, 2021 Notice of Intent to Revoke my I-140 petition did not affect the validity of my employment authorization. I am not in removal proceedings, I am not being deported, and I have no plans to leave the United States. Attached hereto as Exhibit A is a true and correct copy of my employment authorization card.

3. In April 2021, I refused to support GVA Capital’s efforts to enforce an alleged oral agreement between Magomed Musaev and Prosperity Investments LP (“Prosperity”) concerning

the profits of Prosperity's investment in Luminar Technologies Inc. ("Luminar"), because that alleged oral agreement was contrary to GVA Capital's written agreements with Prosperity's predecessor, Definition Services Inc. ("Definition"). Mr. Musaev threatened that my failure to comply would result in my removal as director, and I was removed on April 13, 2021. To avoid any doubt, I deny GVA Capital's allegations of any wrongdoing.

4. Later, in April 2021, I filed suit in the Cayman Islands against Mr. Musaev and his entity—Odrison Investments Limited—seeking injunctive relief to prevent GVA Capital from breaching its written agreements, taking control of the Luminar shares, and moving the proceeds of those shares outside the jurisdiction of the United States or Cayman Island courts. Attached hereto as Exhibit B is a true and correct copy of the April 19, 2021 Affidavit I submitted in the Cayman Islands action. I voluntarily dismissed that lawsuit in July 2021.

5. I founded Vestor.In Partners in 2013 to pursue investment opportunities unrelated to GVA Capital. Vestor.In is a separate entity from GVA Capital. In 2015, I established an end user account for Roman Sobachevskiy, then an intern of Vestor.In, to conduct Vestor.In business. Mr. Sobachevskiy subsequently joined GVA Capital. I terminated Mr. Sobachevskiy's access to the Vestor.In account—as I was entitled to do as an account administrator—in early 2021. No other GVA Capital personnel have ever had access to the Vestor.In Google account. GVA Capital has no ownership interest or right to access or control this Vestor.In Google account. I have never had any control over any servers, email accounts, or computers belonging to GVA Capital. It is my understanding that GVA Capital shareholder Magomed Musaev controls access to GVA Capital's corporate domains and servers.

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I declare under penalty of perjury that the foregoing is true and correct. Executed this 17th day of November 2021.

/s/ Pavel Cherkashin

Pavel Cherkashin

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